



# City of Santa Barbara California

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

### RESOLUTION NO. 015-18 205 NATOMA AVENUE MODIFICATIONS APRIL 11, 2018

#### APPLICATION OF JARRETT GORIN, AGENT FOR JERRY STARK, 205 NATOMA AVENUE, APN 033-063-006, R-4/S-D-3 ZONES (HOTEL-MOTEL MULTIPLE RESIDENCE ZONE/COASTAL OVERLAY ZONE), LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: HOTEL AND RESIDENTIAL (MST2017-00064)

The 5,564 square-foot site is currently developed with a two-story, 2,084 square foot (net) multi-residential complex with three residential units and an attached two-car garage. The existing multi-residential structure is non-conforming to the six-foot southern and western interior setbacks. The proposed project involves a new three and a half foot tall fence along the front lot line facing Natoma Avenue, and work on the second story unit (205 Natoma) that would include an interior remodel, the addition of five awnings, replacement of one window with bi-fold doors, the addition of a balcony on the northern (front) elevation, and the addition of a Juliet balcony on the western elevation.

The discretionary applications under the jurisdiction of the Staff Hearing Officer required for this project are:

1. Front Setback Modification to allow the proposed balcony to encroach into the required ten-foot front setback facing Natoma Avenue (§28.21.060.A and SBMC §28.92.110.B); and
2. Interior Setback Modification to allow the proposed Juliet balcony to encroach into the required six-foot interior setback (§28.21.060.B and SBMC §28.92.110.B).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 (Existing Facilities) and 15305 (Minor Alterations in Land Use Limitations).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor or in opposition of the applications thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 2, 2018
2. Site Plans

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

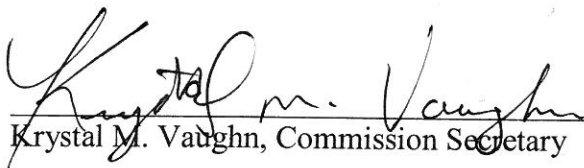
- I. Approved the subject application, making the following findings and determinations:
  - A. The Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The lot is constrained due to the fact that it has two front yards, is nonconforming to the minimum lot size, and the residence is constructed at the front setback line thus limiting the area where conforming outdoor living space can be provided. The lot currently has no designated common or private open yard area, and the proposed balcony would provide an opportunity for outdoor living without significantly impacting the visual openness of the street or the historic significance of the structure.
  - B. The Interior Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The existing structure is non-conforming to the western interior setback. The proposed Juliet balcony is a minimal encroachment, approximately six inches, and is not anticipated to affect the privacy of the neighbor. The proposed Juliet balcony would provide additional light and air for the residential unit, as well as an aesthetic improvement to the property and would not significantly affect the historic significance of the structure.
- II. Said approval is subject to the following conditions:
  - A. **Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.  
  
If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

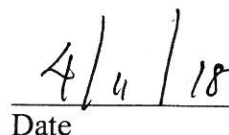
If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

This motion was passed and adopted on the 11th day of April, 2018 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

  
Krystal M. Vaughn, Commission Secretary

  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action, your next administrative step should be to apply for **Historic Landmarks Commission (HLC)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire three (3) years from the date of the approval, per SBMC §30.205.120, unless:

- a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
- b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
  - i. an Issuance of a Certificate of Occupancy for the use, or;
  - ii. one (1) year from granting the approval.